

Received by Sound Transit Legal Department  
July 2, 2015

SUB15-002

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON

Plaintiff,

vs.

KIMBERLY RAE FITZ,

Defendant(s).

No: 14-1-05406-4 SEA

SUBPOENA DUCES TECUM

THE STATE OF WASHINGTON TO: Sound Transit  
Att: Katie Flores  
Union Station  
401 S. Jackson St.  
Seattle, WA 98104

YOU ARE HEREBY COMMANDED to appear in Room W554 King County Courthouse,  
516 Third Avenue, Seattle, WA 98104-2385, on July 21, 2015, at 1:00 PM, and bring with you  
the following:

Any and all records (including ORCA card numbers, any and all monetary re-charge transactions to ORCA cards, and payment method for those transactions (including account number of any checks, debit, or credit cards used to make payment)), related to the two Sound Transit Ticket Vending Machine Transactions that were charged to credit card(s) [REDACTED] under the name or signatory control of W. Scott Clark and/or Clark Design Group PLCC on 1/22/14 and 2/20/14 and any and all records pertaining to any ORCA cards registered to Kimberly Rae Fitz aka Kimberly Zanze (DOB 7/15/72), address of 2333 I St NE, Auburn WA 98002, phone number of (206) 858-1565, email address kimyrae88@gmail.com between the period of 1/1/11 and 4/30/14.

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SUBPOENA DUCES TECUM - 1

Daniel T. Satterberg, Prosecuting Attorney  
Criminal Division  
W554 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104-2385  
(206) 477-3733 FAX (206) 296-9009

JUN 30 2015

1 Dated this \_\_\_\_\_ day of June, 2015.

2  
3 JUDGE

4 JAMES E. ROGERS

5 **Protection of Persons Subject to Subpoenas:**

6 (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

7 (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

8 (B) Subject to subsection (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce and all other parties, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

9 (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

10 (i) fails to allow reasonable time for compliance

11 (ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;

12 (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

13 (iv) subjects a person to undue burden, provided that the court may condition denial of the motion

14 upon a requirement that the subpoenaing party advance the reasonable cost of producing the books, papers, documents, or tangible things.

15 (B) If a subpoena

16 (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

17 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

18 **Duties in Responding to Subpoena:**

19 (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

20 (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications or things not produced that is sufficient to enable a demanding party to contest the claim.

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1 I certify under penalty of perjury under the laws of the State of Washington that on the  
2 18 day of June, 2015, I served John H. Ostermann, attorney for defendant at King County  
3 Department of Public Defense, TDA Division, 810 3rd Ave, Ste 800, Seattle, WA 98104-1695,  
4 with a copy of this Subpoena Duces Tecum by ABC Legal Messenger.

5 Dated this 18 of June, 2015 at Seattle, Washington.

6 Shelley Fraley  
Shelley Fraley

7 I certify under penalty of perjury under the laws of the State of Washington that on the  
8 18 day of June, 2015, I served Scott Clark with a copy of this Subpoena Duces Tecum by  
9 regular mail.

10 Dated this 18 of June, 2015 at Seattle, Washington.

11 Shelley Fraley  
Shelley Fraley